

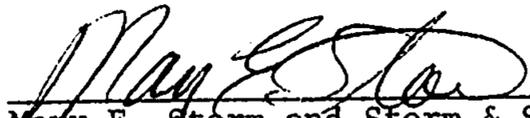
4. Fee simple title to the beds remains in the heirs of Nicholas Hall. However, this title is subject to the rights to the use of the streets and alleys which Nicholas Hall dedicated.

5. Since the streets and alleys were not referred to in the deeds to the lots (i.e. none of the deeds appear to have said anything like "together with the right to use the streets and alleys in common with other lot owners") and since they were used by the public in general rather than merely by the lot owners for their own benefit or convenience, as the public streets in the Town, the dedication was accepted by the public user, as well as by the State and Town when the streets and alleys were improved.

6. There has been no abandonment of the streets and alleys by the public user or by the State or Town.

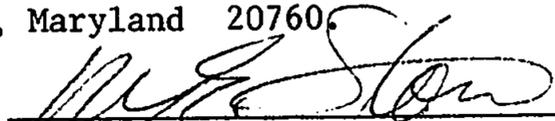
For these reasons, it is clear that Plaintiffs do not have title to that portion of Federal Street and North Alley in New Market which they are claiming, and your Respondents respectfully requests that the Bill of Complaint be dismissed and the Intervenors' motion for summary judgment be granted.

Your Respondents herein reserve the right to rely upon such other points and authorities as may become pertinent and necessary as the nature of their cause may require.


Mary E. Storm and Storm & Storm
Attorney for Respondents

CERTIFICATION OF SERVICE

I hereby certify that on this 4th day of March, 1977, a copy of the foregoing Memorandum was mailed, postage prepaid, to Peyton Paul Phillips, Rosenstock, Burgee, Bower & Phillips, P. A., attorney for Intervenor, 100 West Church Street, Frederick, Maryland 21701 and to James W. Hane, attorney for Plaintiffs, P. O. Box 246, Gaithersburg, Maryland 20760.


Mary E. Storm

STORM AND STORM
ATTORNEYS AT LAW
FREDERICK, MARYLAND

Filed March 4, 1977